S.B. Criminal Misc. Bail Application No.3870/2006
Roshanlal Karol Vs. State of Rajasthan

Date Of Order :: 8.11.2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. S.K. Gupta, counsel for petitioner.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioner, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioner that he has falsely been implicated in this matter. It is also submitted that in the year 1988 he was 'Sarpanch' of Gram Panchayat Jaipura and he executed one registered sale deed of plot No.16 situated at Kho Rebariyan in favour of complainant Ratul Shivhare on 28/3/1988 and on account of typographical error in the father's name of the complainant at his request again another sale deed was got registered on 27/9/1988. It is also submitted that both the documents were in the possession of complainant and the accused petitioner never misused any document nor he handed over that document to co-accused Karan Singh or any other person for the purpose of equitable mortgage in regard to the loan sanctioned to co-accused Karan Singh. It is also submitted that this matter pertains to the year 1997 and the complainant received the notice from the bank in the year 1999 on account of the default committed by co-accused Karan Singh in making the payment of loan sanctioned to him and since a long period the complainant did not lodge the report and now on account of some wrong notions this belated report came to be lodged by the complainant. It is also submitted that co-accused Karan Singh who is the beneficiary has been granted the anticipatory bail by the Sessions Court.

Learned Public Prosecutor vehemently opposed the bail application and contended that the accused petitioner executed the

registered sale deed in the capacity of 'Sarpanch' in favour of the complainant on 28/3/1988 in which father's name of the complainant was wrong, therefore that sale deed along with Patta was returned to the accused petitioner Roshan Lal for getting it cancelled and to execute a new registered sale deed in his favour, lateron the accused petitioner handed over another registered sale deed dated 27/9/1988 executed in favour of the complainant and the earlier sale deed remained with the accused petitioner Roshan Lal. It is also submitted that co-accused Karan Singh was in the need of a guarantor and for that he contacted the accused petitioner Roshanlal who assured him to provide a guarantor who is known to him and the accused petitioner Roshan Lal handed over the registered sale deed of plot No.16 to co-accused Karan Singh which was executed in favour of the complainant Ratul Shivhare on 28/3/1988 and remained with him after getting another registered sale deed on 27/9/1988 and in the year 1997 the accused petitioner misused the sale deed dated 28/3/1988 by placing it for the purpose of equitable mortgage and with the help of some fictitious person by fabricating the forged document and signatures of the complainant and for this he took Rs.40,000/- from the co-accused Karan Singh. It is also submitted that the complainant replied the notice received from the bank in the year 1999 wherein it has been specifically mentioned that he was not a guarantor of the co-accused Karan Singh nor he mortgaged his plot which was sold by the Gram Panchayat and that sale deed was registered in his favour by accused petitioner Roshan Lal as 'Sarpanch' and thereafter for a couple of years the complainant did not hear anything about this matter and when he received the summons from the DRT, Jaipur he could see the documents which were used for obtaining the loan and thereafter only he had an occasion to lodge the FIR.

Without making any observation on merits, having considered the rival submissions made at the bar, keeping in view the allegations levelled against the accused petitioner Roshan Lal

that he misused the registered sale deed dated 28/3/1988 which was in his possession and that sale deed was used for the purpose of equitable mortgage by forging the signatures of the complainant and making the forged document for which the accused petitioner Roshanlal was the main instrument, material on record and entire facts and circumstances, I do not deem it proper to grant the benefit of pre-arrest bail to accused petitioner Roshan Lal.

The bail application is rejected accordingly.

(J.R. Goyal),J.

VS Shekhawat/-
Jr.P.A.